

First Reading:	09-19-2024
Publication:	09-26-2024
Second Reading:	10-03-2024
Publication:	10-10-2024

ORDINANCE NO. 2791

AN ORDINANCE AMENDING CHAPTER 3, SECTION 9 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “PEACE AND GOOD ORDER”

WHEREAS, in an effort to keep peace and good order throughout the Borough of Roselle Park the Mayor and Council wish to enact certain amendments to the Municipal Code.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter 3, Section 9 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. Amendments to Existing Code

§ 3-9 PEACE AND GOOD ORDER.

§ 3-9.1 Prohibitions.

No person or contractor shall, within the limits of the Borough:

a. Play, operate or use any ~~television, radio, phonograph or tape equipment or other sound-producing instrument, device or apparatus, or permit, make or cause to be permitted or made any noise, produced by human or mechanical means~~ in such a manner that the sound thereof shall ~~annoy any person or persons or disturb the comfort, rest or repose of any person or persons.~~ **exceed the applicable maximum permissible sound levels as outlined in BH8.**

1. Exceptions:

(a) **This Paragraph, and the restrictions referenced herein, shall not be applicable to the outdoor operation of certain mechanically powered equipment. The operation of such equipment is regulated by Paragraph “1” of this Subsection.**

(b) **Absent adequate sound measuring equipment, or operational training in connection therewith, officers charged with enforcement of this Paragraph shall utilize sound judgement and discretion in the discharge of enforcement activities, which may include the progressive issuance of warnings and/or violations.**

~~b. Permit, make or continue or cause to be permitted, made or continued any unnecessary noise, produced by human or mechanical means, which shall disturb the comfort, rest, and repose of any person or persons being in his or their place of abode or at any public or private meeting or at church services.~~

~~b.e.~~ Keep or harbor any dog or other animal which shall disturb the neighborhood by excessive barking, whining or howling.

~~c.d.~~ Throw or discard any cans, bottles, refuse or garbage of any kind whatsoever into the waters of any pond, stream, lake or river, or upon a public street or public place, or discharge any sewage or waste into the waters or places, or any of them, or pollute the waters in any manner whatsoever.

- ~~d.e.~~ Throw any papers, sticks, glass, metal or any hard, dangerous or offensive substances upon any sidewalk, street, highway or public place or at any automobile, vehicle, house, building, fence or person.
- ~~e.f.~~ Participate in any practice, sport or exercise in such a manner so as to annoy, disturb or frighten any person or persons on any sidewalk, street, road, park or other private or public place.
- ~~f.g.~~ Disrupt or disturb the exercises of any public school or any lawful assembly therein, or interfere with or annoy any child attending such school or any teacher therein.
- ~~g.h.~~ Intentionally, willfully or maliciously destroy or injure any of the wires, posts, machines, bells, signs, boxes, box or any other apparatus of any fire alarm system or intentionally, willfully or maliciously interfere with the same or any part thereof or hinder or impede any of the operations intended to be accomplished thereby.
- ~~h.i.~~ Hinder, prevent or deter by any device whatsoever any Firefighter or any person from rendering lawful assistance in abating or quenching a fire, or hinder or interfere with any Firefighter going to or returning from any fire or place from which a fire alarm proceeds, or hinder or obstruct any fire engine, hook and ladder truck, hose cart or other fire apparatus going to or from any place from which a fire alarm proceeds or where any building or property may be burning.
- ~~i.j.~~ Interfere with or obstruct a Police Officer (whether a regular Police Officer or Special Law Enforcement Officer), a member of the auxiliary Police of the Civil Defense-Disaster Control Bureau or a member of the First Aid Squad of the Borough, whether in uniform or not, in the carrying out of his duties or functions.
- ~~j.k.~~ Enter or remain upon the land or property of any person without lawful permission to do so.
- ~~k.l.~~ Urinating, expectorating or defecating in a public place, other than a wash room or toilet room, under circumstances where such act is or could be observed by a member of the public situated in or near a public place. The term "public place," for the purposes of the within section is defined as "an area generally visible to the public view and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, buildings open to the public and doorways and entrances to buildings or dwellings and the grounds enclosing same."
- ~~l.m.~~ Operate or permit the use or operation of any mechanically powered saws, drills, sanders, grinders and tools, including gasoline-powered landscaping equipment (i.e. gasoline-powered leaf blowers) and similar devices outdoors in residential areas.
1. Exceptions:
 - (a) Any person shall be permitted to use or operate any device referenced in paragraph "m" outdoors in residential areas every day of the week from 8:00 a.m. to 7:00 p.m.
 - (b) In cases of emergency and/or in the interest of the public health.
- ~~m.n.~~ Utilize, permit, or otherwise cause any light-emitting object or fixture to be reflected toward or shined within or upon a residential structure in such a manner that the illumination and glare caused thereof shall disturb the comfort, rest or repose of any person or persons.

SECTION 2. Invalidity

If any Section or portion of a section of this Ordinance shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3. Inconsistent Ordinances Repealed

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4. Captions and Editing Indications.

Any captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, editing indications are structured such that all strikethrough text, ~~thusly~~, should be considered a deletion from existing Borough Code, and all bolded text, **thusly**, should be considered an addition to existing Borough Code.

SECTION 5. Effective Date.

This Ordinance shall become effective upon publication of the Notice of Final Adoption prepared by the Office of the Borough Clerk.

Introduction: September 19, 2024

Adoption: October 3, 2024

Attest: _____
Andrew J. Casais, RMC
Borough Clerk

Joseph Signorello III
Mayor

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky				
Johnson				
Signorello				
Robaina				
Lyons				
Patel				

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky				
Johnson				
Signorello				
Robaina				
Lyons				
Patel				

Copy To:
Dominick Frino (Police Chief), Richard Belluscio (Construction Official)